

1 **LANTZ ARNELL, MD**

2 **P.O. BOX 181583 Coronado, CA 92178**

3 **Tel. (619) 435-4064**

FILED

08 MAY 16 PM 4:09

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:  DEPUTY

4  
5  
6  
7  
8  
9 **United States District Court**  
10 **SOUTHERN DISTRICT OF CALIFORNIA**  
11  
12  
13

14 **LANTZ ARNELL, MD**

**Case # '08 - CV- 00441**

**Reply**

**Regarding Judge McAdam's**

**Notice of Related Case**

15  
16  
17 **vs.**  
18

19 **Judge W. McAdam**

20 **Respondent**  
21 \_\_\_\_\_

22 **Date:** to be set by clerk

23 **Time:**

24 **Room:**

25 **Judge**  
26

27 **PURSUANT to Rule 11: "Every pleading, motion or other paper...(shall not**  
28 **be) presented for any improper purpose...such as to harass or to cause unnecessary**

1 delay or needless increase in the cost of litigation; (and) the allegations and other  
2 factual contentions have evidentiary support...” “Major purposes of 1983  
3 amendment to rule 11 were deterrence of dilatory or abusive pretrial tactics...”  
4 [*Golden Eagle Distributing Corp. v. Burroughs Corp.*, C.A. 9 (Cal.) 1986, 801F.2d  
5 1531, dissent from denial of En Banc hearing 809 F. 2d. 584]

6 A. Judge McAdam’s Notice, (herein after notice), purports to notify the court  
7 of a related case. The Court was already notified in the complaint.

8 B. Notice makes statements without evidentiary support unrelated to the  
9 “notification”. Page 2, line 14 The run-on sentence contains a series of false and  
10 unsubstantiated claims:

11 1. “...Plaintiff filed a 177 page complaint...” The complaint was 18  
12 pages including points and authorities. There were 150 pages of exhibits to be  
13 introduced as evidence against Judge McAdam, (herein after defendant).

14 2. “...based on plaintiff’s dissatisfaction with denial of a writ...” The  
15 complaint was based on evidence showing defendant was corrupt.

16 3. “...Initially arising from a neighborhood altercation...” The incident  
17 referred to involves Randlett T. Lawrence. At the time of the incident, Lawrence  
18 lived near Point Loma. At no time does he state that he was a resident of Coronado  
19 or a neighbor. The incident involves an admission that Lawrence drove from  
20 another city, walked on the plaintiff’s driveway and assaulted the plaintiff with a  
21 deadly weapon without saying a word. That does not constitute an altercation.

22 4. Page 3, line 20 “ The allegations in the instant case arise from the  
23 same neighborhood altercation.” This is false. The allegations in the current case  
24 refer to events that have transpired over 40 years. Most of the “events” involving  
25 Judge McAdam in the “instant case” occurred after the previous case was filed.  
26 The allegations are of a much more serious nature in the current case than the  
27 previous case. Defendant wants to argue the previous case rather than answer the  
28 complaint on the current case.

5. Page 5, line 3: "...Defendant...prays that the instant action be assigned to Judge Burns..." Purported notice is really a motion in disguise. The defendant is judge shopping. Judge Burns bias against the plaintiff is well documented: (Judge Burns' order of 7/23/07 page 4, line 22: "Plaintiff claims he is a medical doctor." Plaintiff is "feigning concern..." When he refused to be recused, Judge Burns wrote that plaintiff's observations regarding the pervasive nature of corruption as "...unthinkable." JUDGE BURNS ATTACKED THE VERACITY OF A PLAINTIFF HE NEVER MET and criticized the substance of the complaint in the case he was yet to hear.)

6. Page 5, line 6: (the selection of Judge Burns would) “forestall plaintiff’s judge shopping.” Defendant wants to deny plaintiff access to tools designed to ensure the impartiality of the judiciary in a case where it wasn’t apparent he needed to use them.

C. The notice was filed for an improper purpose.

## 1. Judge shopping

2. Avoid the meet and confer obligation. See Letter from defendant's counsel (Exhibit 1).

#### D. Unnecessary delay

**1. Attempting to re-litigate a case already dismissed**

## 2. Forcing plaintiff to answer this frivolous document

3. Wasting the Court's time dealing with the question of Judge Burns' Impartiality.

4. Avoiding responsibility to move the current case forward with this diversion.

## CONCLUSION

Defendant has been in organized crime so long that he doesn't expect or want a fair hearing on the merits of this case. He expects to choose his own judge, delay, misstate the facts and rig the court to have the case dismissed without

1 ever answering the complaint. These are the machinations that make  
2 organized crime so difficult to stop.

3  
4 The foregoing is true to the best of my knowledge.

5  
6  
7 5/15/08

  
\_\_\_\_\_  
Lantz Arnell, MD

## **EXHIBIT 1**



# Superior Court of California County of San Diego

CENTRAL COURTHOUSE  
220 W. BROADWAY  
PO BOX 120128  
SAN DIEGO CA 92112-0128

May 14, 2008

Lantz Arnell, MD  
1516 Glorietta Blvd  
Coronado, CA 92118

Ref: *Arnell v. Jack Lieb Esq. et al.* (So Dist. Cal.) 08-cv-00441-LAB-RBB

Dear Mr. Arnell:

I received your letter dated April 21, 2008, in which you expressed your desire to meet with me or with Court Counsel Darlene Dornan. Neither Ms. Dornan nor I are available to meet with you concerning this case.

As you know, Defendant Judge William McAdam's motion to dismiss with prejudice is set for hearing at 11:15 a.m. on June 16, 2008, before the Honorable Larry A. Burns, District Court Judge. Since Judge Burns will likely grant this motion, a meeting would serve no productive purpose.

As I mentioned to you in our telephone conversation, you are free to call me if you wish to notify me of a dismissal filed on your own, or similar appropriate resolution of this case.

Sincerely,

Cheryl L. Brierton  
Litigation Attorney

cc: All parties

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>LANTZ ARNELL</b> <b>1516 GLORIETTA BLVD</b> <b>CORONADO, CA 92118</b>		POS-03  <b>FOR COURT USE ONLY</b>
TELEPHONE NO.: <b>(619) 435-4064</b>		
E-MAIL ADDRESS (Optional):	FAX NO. (Optional):	
ATTORNEY FOR (Name):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>		
STREET ADDRESS: <b>220 W. BROADWAY ATTN: CHERYL BRIERTON</b>		
MAILING ADDRESS: <b>PO BOX 120128</b>		
CITY AND ZIP CODE: <b>SAN DIEGO, CA 92112-0128</b>		
BRANCH NAME: <b>CENTRAL COURT HOUSE</b>		
PETITIONER/PLAINTIFF: <b>LANTZ ARNELL, MD</b>		
RESPONDENT/DEFENDANT: <b>JUDGE WILLIAM McADAM ET AL</b>		
<b>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</b>		CASE NUMBER: <b>08-CV-00441</b>

**(Do not use this Proof of Service to show service of a Summons and Complaint.)**

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is: 416 B. AVE. CORONADO, CA 92118
3. On (date): 5/16/08 I mailed from (city and state): CORONADO, CA.  
the following documents (specify): PLAINTIFF'S REPLY REGARDING JUDGE Mc ADAMS'  
NOTICE OF RELATED CASE
- ☐ The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).
4. I served the documents by enclosing them in an envelope and (check one):
  - a. ☒ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
  - b. ☐ **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
  - a. **Name of person served:** CHERYL BRIERTON
  - b. **Address of person served:** PO BOX 120128  
SAN DIEGO, CA 92112-0128  
CENTRAL COURT HOUSE

☐ The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 5/16/08

Magnolia Sanguinalis

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

Михаил Сергеевич

(SIGNATURE OF PERSON COMPLETING THIS FORM)